

L E S S O N 1

The Constitutional Convention

THINKING FOCUS

What important compromises did delegates to the Constitutional Convention make?

Key Terms

- checks and balances
- legislative branch
- executive branch
- judicial branch
- bill of rights

► *Involved in politics since the 1770s, James Madison helped draft a new Virginia constitution and the Virginia Declaration of Rights.*

James Madison of Virginia was always early. A short man with a serious expression, he was the first delegate to ride into Philadelphia in May 1787. Deeply concerned about the politics of the new nation, Madison had been reading and reflecting on the subject of constitutional government day and night. He entered the city well prepared for the work ahead.

Madison worried that a national crisis was at hand. In its call for a federal convention, Congress had specified that this convention should have the “sole and express purpose of revising the Articles of Confederation.” But Madison thought that simple changes could not solve the many problems of the ineffective Confederation government. He was planning to propose a totally new government at the convention—and he was worried that the other delegates would consider his plan to be radical, that is, too extreme for the time.

Madison planned his strategy carefully. To prepare for the convention, he asked his friend Thomas Jefferson to send him books about earlier confederations and other forms of government. Jefferson, who was serving as ambassador to France, responded by sending Madison more than 100 volumes by French and English philosophers. These books covered a wide range of political theory and the history of governments.



In the days before the convention began, Madison continued to work on his plans for the new government. But he worried about his chances for success. Could 13 states really come to agreement despite all their differences—different concepts of government, different natural resources, different cultural backgrounds, even different money?

Madison expected most of the delegates to be loyal to their own regions. He anticipated that many would be firmly committed to preserving the independence their states had enjoyed under the Articles of Confederation. But where were the other delegates? What if nobody showed up?

A New Government Debated

On May 13, the day before the federal convention was scheduled to begin, George Washington arrived in Philadelphia. Bells rang and cannons boomed to welcome him. The city's troops escorted him to the home of 81-year-old Benjamin Franklin, who was the "elder statesman" of the nation. General Washington, at the age of 55, was the most highly respected American of his time. His participation in the convention lent a special dignity to the proceedings.

The other delegates were also men from the highest levels of wealth and achievement—plantation owners from the South, merchants from the cities, college-educated professionals from all fields. When Thomas Jefferson later read the list of delegates, he called it, with understandable overstatement, "an assembly of demi-gods."

Although the average age of the delegates was only 42, most had extensive experience in government, and some had signed the Declaration of Independence. Jefferson and John Adams were missing because they were serving as ambassadors overseas. Also missing was Patrick Henry of Virginia, who was chosen as a delegate but refused to attend. Henry was part of a group of politicians who opposed any strengthening of the national

government that might limit the powers of the states.

Slowly Delegates Gather

On May 14, which was 11 days after James Madison had arrived, only delegates from Virginia and Pennsylvania were at the Convention. A week of rain and muddy roads had delayed many of the delegates. Some were traveling hundreds of miles to get to Philadelphia, making uncomfortable, week-long trips by carriage or on horseback. Once they arrived, delegates were eager to deal with the nation's problems. But the Convention could not begin until at least seven of the thirteen states were represented.

All that the men could do was wait and worry about what, if anything, would happen at this meeting.

Finally, on May 25, delegates from seven states had arrived, and the convention began. The delegates unanimously elected George Washington as president of the convention. They also established rules for their debates, including a rule of strict secrecy. No one was to make the proceedings public until a final agreement had been reached.

◀ *Delegates to the Convention met in the same room of the Pennsylvania State House in which the Declaration of Independence had been signed. The building is now called Independence Hall.*





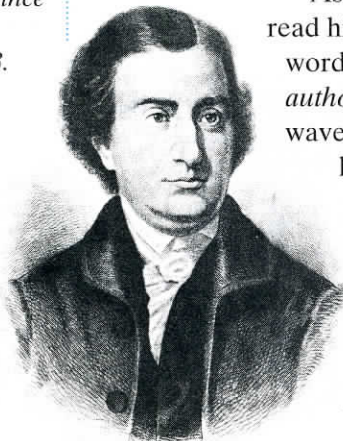
▲ Even though Washington presided over the Convention, he was silent in debates. Why was his presence so important?

► Edmund Randolph's family had been prominent in Virginia ever since his ancestors arrived from England in 1673.

The Virginia Plan

On the third day of the convention, Edmund Randolph took the floor to present 15 resolves, or formal proposals, drafted by the Virginia delegation. Why Randolph, when many of the ideas were actually those of Madison? The handsome, six-foot Randolph, governor of Virginia and the head of his delegation, made a more imposing figure than the shy, slight Madison.

“An individual independence of the States is utterly irreconcilable,” Randolph announced. “Let national Government be armed with positive and complete authority.”



As Randolph read his speech, the words *complete authority* sent shock waves through the hall. Although most of the delegates agreed that the nation needed a stronger central government,

most were not ready to give up the sovereignty, or independence, of the states.

The Virginia Plan, as it came to be known, proposed a supreme national government. The basis of this entirely new government would be three branches with a system of built-in **checks and balances**. Each branch of government would balance the power of the others in order to check, or protect, against any abuses of power. Although stunned by the far-reaching changes proposed, the delegates had been frustrated with the weaknesses of the Articles of Confederation. Most delegates agreed that the new plan had merit.

Reactions and Counterproposals

Charles Pinckney, a wealthy planter from South Carolina, started the debate by challenging the Virginia Plan. Did Randolph, asked Pinckney, mean to abolish state governments altogether? Many delegates were concerned that a strong central government would overpower the individual states. But they voted for a national government, despite their concerns.

► *The Connecticut Compromise was so important to the writing of the Constitution that it often has been called the Great Compromise.*

The Connecticut Compromise

Virginia Plan

- Representation in both houses of Congress based on population.
- Favored by large states.

New Jersey Plan

- One state, one vote; equal representation regardless of size.
- Favored by small states.

Connecticut Compromise

- Allows for the equal representation of each state in the Senate.
- Bases representation of states in the House on population.

The new government would consist of a **legislative branch** (the Congress), an **executive branch** headed by the President, and a **judicial branch** (a national system of courts of law). Clearly the convention was no longer repairing the old Articles of Confederation. Instead the delegates were replacing the Articles with a constitution, a document defining a new government.

The delegates agreed quickly to a bicameral, or two-house, legislature. The Virginia Plan had proposed a lower house, the House of Representatives, to be elected by the people of each state. In turn, this lower house would select an upper, more selective house, the Senate. But a major disagreement arose between the states with large populations and the states with small populations. It concerned the election of representatives. Then the real struggle began.

Madison believed that representation in both houses should be proportional to population rather than equal for each state. This meant that a large state would have more representatives than a small state. James Wilson of Pennsylvania agreed. "We must bury all local interests and distinctions," he argued. The delegates from smaller states objected. They feared that they would lose their ability to prevent

Congress from making any decisions the small states opposed.

William Paterson of New Jersey warned that his state would never give up its political independence. He then countered the Virginia Plan by proposing the New Jersey, or small-state, Plan. This plan was similar to the old Articles of Confederation in that each state—large or small—would get one vote in Congress. After three days of sharp debate, the delegates defeated the New Jersey Plan.

The Great Compromise

Spring gave way to summer, and the delegates still had many decisions to make. After the New Jersey defeat, the Connecticut delegation proposed a compromise. The people of each state would directly elect representatives to one house of Congress, the House of Representatives. The number of representatives for each state would be based on population. For the other house of Congress, each state legislature would choose two senators. After many days of impassioned debate, the delegates accepted the Connecticut Compromise. With this compromise all states were represented equally in the Senate, but representation in the House varied with each state's population. ■

■ *Find evidence to support this statement: Willingness to compromise helped the delegates settle the issue of how to represent each state in Congress.*

The Slavery Issue

As the debate in the Pennsylvania State House heated up, so did the summer weather. The windows were sealed tight to protect the secrecy of the convention and to keep out flies, so the air in the meeting room became incredibly warm.

Debate soon turned to the issue of exactly how many representatives each state could send to the House of Representatives. As delegates argued their points of view, Madison observed that the states were “divided into different interests not by their difference of size . . . but principally from their having or not having slaves.” How would populations be counted, especially in states with large numbers of slaves?

So far, the word *slavery* had been avoided at the convention. The delegates knew that a confrontation over this issue might ruin any chance they had of reaching a consensus. But it

was impossible to avoid the issue of slavery entirely.

How to Count Slaves

Delegates from New England proposed that representation be based on the number of free inhabitants only. Delegates from the South wanted to increase their representation by counting everyone, including slaves.

The debate on this issue was lengthy. It touched on many concerns, including how to count a state's population for the purpose of setting that state's share of national taxes. During these debates, the Southern states defended their right to keep slaves.

The Three-Fifths Compromise

Eventually the delegates compromised. Representation would be in proportion to the whole number of white and other free citizens and three-fifths of all other persons. The

▼ Taverns, such as the one shown in this John Lewis Krimmel oil painting of a Philadelphia inn, were often a gathering place for political discussion.



■ *Why did the Northern states agree to postpone a vote on the slave trade, despite their antislavery feelings?*

▼ *As shown in the map, the “large states” referred to in the text are the most populous states but not necessarily the states with greatest land area.*

“other persons” were, of course, slaves. For purposes of representation, all population counts included women.

The delegates reached two other compromises concerning slavery. Southerners insisted on treating slaves as property. They bought them to expand the labor force on their planta-

tions. Delegates finally agreed to stop Congress from voting to end the slave trade until after 1808. This Slave Trade Clause was included in the text of the Constitution. The Fugitive Slave Clause, which allowed for the arrest of runaway slaves in any state, was also included. ■

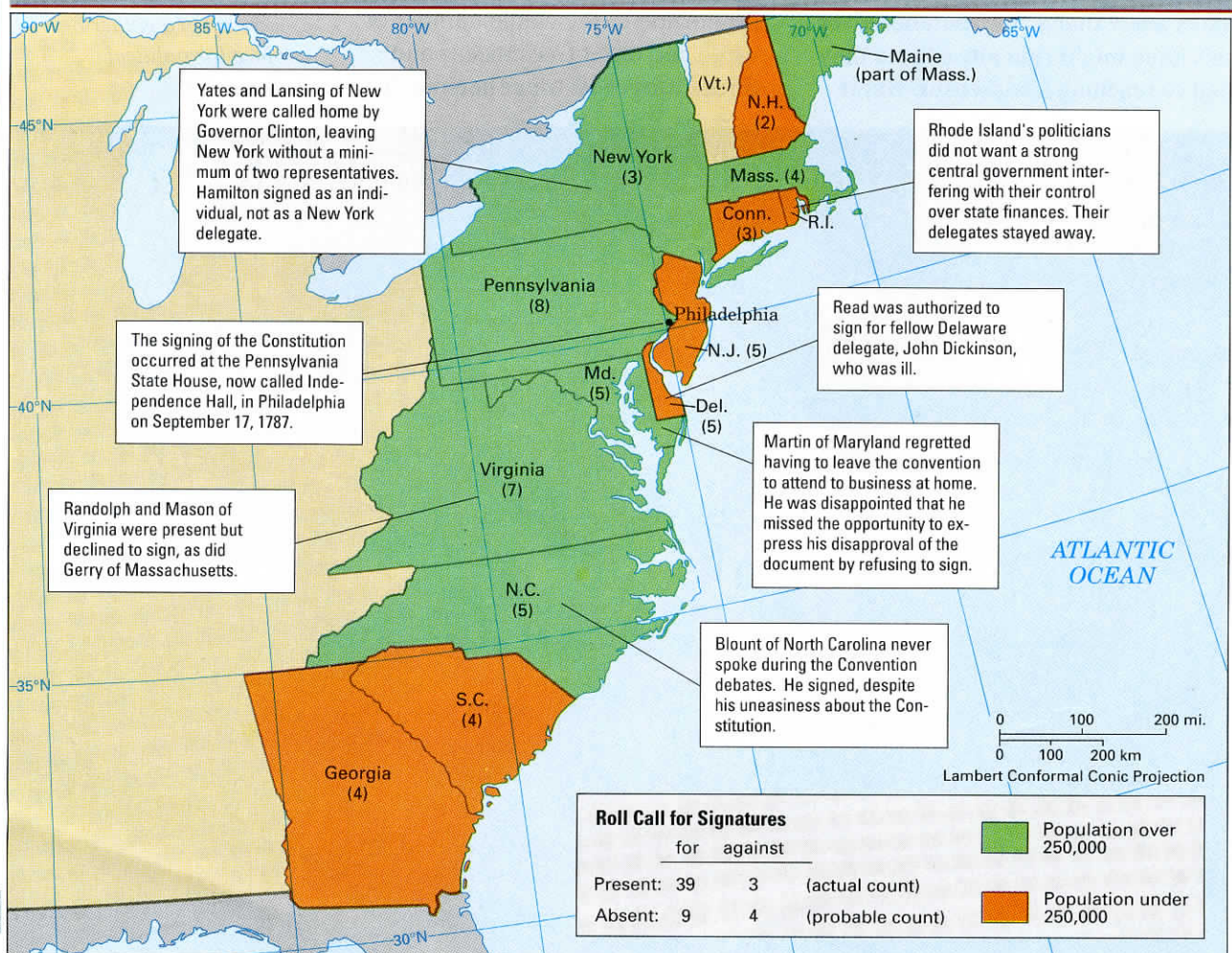
The Constitution Is Signed

Throughout the four long months of debate, delegates came and went. Rhode Island had refused to send any delegates at all. At one point, two of the New York delegates walked out because they disagreed with the direction of the Convention. The third, Alexander Hamilton—one of the original organizers of the federal convention—left also but later returned.

As the map below shows, other delegates had various reasons for being absent.

Finally, on September 17, 1787, a completed document was ready for signing. Of the 55 delegates who had attended at one time or another, 42 were present for the signing. Benjamin Franklin set the tone for the day: “I confess that there are several parts of

The Constitutional Convention: Delegates From Each State



this constitution which I do not at present approve. . . .” But he went on to explain why he would sign it anyway, and he finished by offering a motion that the Constitution be accepted by unanimous consent of “the States.”

Whilst the last members were signing it, Doctr. Franklin looking towards the President’s chair, at the back of which a rising sun happened to be painted, observed to a few members near him, that painters had found it difficult to distinguish in their art a rising from a setting sun. I have, said he, often and often in the course of the session . . . looked at that [sun] behind the President without being able to tell whether it was rising or setting: But now at length I have the happiness to know that it is a rising and not a setting sun.

James Madison, in *The Records of the Federal Convention of 1787*



◀ In objecting to the Constitution, George Mason said, “We are not indeed constituting a British Government, but a more dangerous monarchy, an elective one.”

How Do We Know?

HISTORY We learned about the secret discussions at the Convention from the notes kept by a few delegates. Each night, after the long, tiring meetings, James Madison carefully wrote out in longhand his notes of what took place that day. Madison’s journal was made public after his death in 1836.

Only three of the members present that day refused to sign. Edmund Randolph, who had proposed the Virginia Plan, wanted to remain uncommitted until his state had a chance to debate the Constitution. George Mason, a fellow Virginian, particularly objected to the absence of a **bill of rights**, a summary of the basic rights and liberties of the people. Elbridge Gerry of Massachusetts also refused to sign the Constitution without a bill of rights. He feared that the debate in

the states would result in civil war and said he “could not . . . pledge himself to abide by it at all events.”

That night, according to Washington’s diary, the delegates dined together at the City Tavern and then parted on friendly terms. After months of secret meetings, they felt relieved that a new constitution existed. But they also felt rather uneasy. The Congress—still operating under the Articles of Confederation—would now have to send the Constitution to the states. At least nine of the thirteen states would have to approve it.

In the minds of the delegates the question remained: what if no one agreed with what the delegates had worked out? There was still a chance that all those hot days and long hours of debate would add up to nothing. ■

■ Why didn’t the signing of a document on September 17 finish the business of creating the Constitution?

REVIEW

1. **FOCUS** What important compromises did the delegates to the Constitutional Convention make?
2. **CONNECT** Considering the many problems with the Articles of Confederation, why were some delegates upset by the prospect of a supreme national government?
3. **SOCIAL SYSTEMS** How did the 13 states’ differences on the issue of slavery contribute to the outcome of the Constitutional Convention?
4. **CRITICAL THINKING** Why did the disagreement among del-

egates over the election of representatives result in the Connecticut Compromise? Can you think of a different solution to the problem of representation?

5. **ACTIVITY** Assume the role of a delegate to the Convention of 1787 from a small state in the North or a large state in the South. Prepare a two-minute speech in which you report to your state legislature on the outcome of the Convention. Use an outline to organize your speech.